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GENERAL HEADINGS.



## Cases Reported this Week.



## Current Topics.

### The Losses of the War.

WE REGRET to see the announcement in the *Times* of the 1st inst. that the Public Trustee has suffered another loss in his family through the war. Second Lieutenant J. N. RITCHIE, who became his son-in-law only in November last and held a commission in the Seaforth Highlanders, was killed on 22nd April. Till now he has been reported as missing. Another son-in-law of Mr. STEWART, Captain C. F. CAMPBELL, Scots Guards, was killed in October, 1914, and both his sons, Captain G. C. STEWART, 10th Hussars, and Lieutenant J. M. STEWART, Irish Guards, have fallen in the war. These losses will be noted with deep sympathy by our readers who have had occasion to recognise the courtesy and efficiency of the Public Trustee in the development and management of his department. We may also take this opportunity of referring to the numerous losses suffered by members of the legal profession in the death of sons, some of whom have not followed in their fathers' steps and whom we do not particularly refer to in our columns. Instances on the County Court Bench, with leaders of the Bar, with juniors, and with solicitors, will spring to the minds of our readers; and though they may be inevitable, they are none the less the matter of respectful sympathy. These words may not be out of place at a time when each day brings a tale of loss recalling Flodden Field.

### The Employment of K.C.'s in the Chancery Division

THE REMARKS, which we print on another page, made last week by Mr. Justice SARGANT as to the non-employment of K.C.'s on originating summonses will receive no doubt due consideration from solicitors who have cases which will bear the expense of briefing two counsel. It is hardly necessary for us to speculate on the causes which apparently leave the front desk in the learned Judge's Court not infrequently empty. Mr. Justice SARGANT is a judge who is very patient and before whom it is a pleasure to argue, and possibly solicitors find that the Junior Bar is capable of bringing the points of a case before him without the guidance of a leader. After all, the question is really an economical one. Solicitors do not have it all their own way, and clients who have under their care a large estate may nevertheless require that the opinion of the Court shall be

taken without incurring heavy costs. We may point out also that the Lord Chancellor's policy of appointing no new silks during the war tends to throw more work upon the Junior Bar, and unless the policy is stopped, this tendency is likely to be accentuated.

### The Execution of Captain Fryatt.

THE ILLEGALITY of the execution of Captain FRYATT has been universally assumed in this country, but it is necessary to attempt to understand the justification which the Germans make for it. In substance it is that they extend to the crew of a merchant ship resisting attack—or they would doubtless say, attacking—the penalty which they have with ruthless severity applied to the *franc-tireur* on land. As to *francs-tireurs* on land, the Great Powers—Great Britain included—have introduced certain rules which are designed primarily for the protection of their armed forces. Non-combatants are forbidden to take part in fighting, and the utmost relaxation that the smaller States have been able to obtain is the recognition as combatants of volunteers fighting under proper authority and carrying distinctive marks, and the *levée en masse*. But with this refusal to recognize the right of a mere civilian to fight there goes in theory full protection of civilians and their property against outrage and loss in war. As a matter of fact, all this is extremely artificial, and the real reason why no civilian as such should ever think of resisting a belligerent force is that the resistance under modern conditions is bound to be futile.

### Merchant Ships and Submarines.

BUT THERE is a clear line between the laws of warfare on land and sea, and a sufficient foundation for it lies in the fact that on land private property is immune from seizure, at sea it is not. The liability of a merchant ship belonging to a belligerent to capture and confiscation by an enemy warship carries the corresponding right of the merchant ship to resist attack, and, if possible, to escape. This, however, is limited to resisting attack. Her position if she herself attacks is thus stated by Professor OPPENHEIM (International Law, Vol. II., p. 226):—

> "Any merchantman of a belligerent attacking a public or private vessel of the enemy would be considered and treated as a pirate, and the members of the crew would be liable to be treated as war criminals to the same extent as private individuals committing hostilities in land warfare."

On this view the question in Captain FRYATT'S case was whether, if in fact he tried to ram the German submarine, he was the attacking party, or was entitled to regard himself as attacked. This is a question which admits of different answers according to the view taken of the surrounding circumstances. If German submarines had consistently observed the rules of maritime war, and never attacked a hostile merchant ship without giving her a chance of peaceful surrender, with consequent safety for the officers, passengers, and crew, there would be no justification for direct attack on them by a merchant ship. But if, as appears to be the case—especially at the time of Captain FRYATT'S alleged attack—it was the practice of German submarines to sink hostile merchant ships without warning, and without providing for the safety of those on board, then the case is altogether changed, and the alleged action of Captain FRYATT becomes a measure of defence. In this country, as we have said, where the attendant circumstances are known, the question is judged, and rightly judged; but the case is likely in the future to be an important element in settling the status of belligerent submarines.

### Appropriated Lands.

THERE HAS been a somewhat curious sequel in the House of Lords, in *Re a Petition of Right* (*Times*, 28th July), to the decisions of the inferior Courts as to the power of the Crown to appropriate land for military purposes without incurring any legal obligation to pay compensation. It will be remembered that the Crown took possession of certain aviation grounds in the interests of national defence, and claimed that they could do so, both by virtue of the Royal Prerogative, and also by virtue of the Defence of the Realm (Consolidation) Act, 1914. Both the lower Courts dismissed a Petition of Right which challenged this claim; but, upon the case coming before the final Court of Appeal, the Attorney-General stated that the Crown now consented to pay compensation to the suppliants in the manner provided by the Defence Act, 1842, and the Lands Clauses Act, 1845, when land is taken for military purposes under the former Act. The Crown only assented to this course because the Attorney-General took the view that there was some ground for believing the Crown had, in fact, purported to proceed under the powers conferred by the Defence Act, 1842, and not by virtue of the Prerogative and the later statute. It would seem, then, that no decision of the House of Lords will be given on this important point, and the principle laid down by the Court of Appeal still holds good.

### The Retirement of Prof. Dicey from Practice.

INCIDENTALLY THE above case in the House of Lords was marked by an interesting incident. It was stated publicly by the Attorney-General that the veteran Professor DICEY—since Sir WILLIAM ANSON'S death our foremost living authority on Constitutional Law—was about to retire from practice at the Bar, since he had attained the age of eighty years. Professor DICEY'S practice at the Bar, of course, has been confined to cases raising important constitutional or international questions; in the present case he held a leading brief for the Crown. The late Sir WILLIAM ANSON, we believe, never practised at all, although he filled with grace and dignity the office of Chairman to the Quarter Sessions of Oxfordshire. Professor MORGAN, now our only remaining academic authority on Constitutional Law who takes an active part in practical life, recently made his *début* in a case of importance by appearing as CASEMENT'S third counsel.

### Requisitioning of Ships and Performance of Contracts.

TWO YEARS of war have brought into being a strange medley of cases which attempt to elucidate the circumstances under which a contract is terminated by impossibility of performance. No one will pretend that the decisions are altogether satisfactory or consistent with one another, and therefore it is not surprising that the House of Lords was divided in the proportion of three to two on the appeal, *Tamplin Steamship Co. (Limited)* v. *Anglo-American Petroleum Products Co. (Limited)* (*Times*, 25th July). In 1912 a steamer had been chartered for five years under a charter containing a clause to the effect that the charterers might sublet the steamer on Admiralty or other service without prejudice to the charter-party. The usual exception clause as to "restraint of princes" also was included in the charter-party. Two years later the Admiralty requisitioned the ship, and on termination of their immediate user of it gave notice to requisition it again. The question for the House of Lords was whether ATKIN, J., and the Court of Appeal were right in holding that the charter-party remained in force, notwithstanding the requisitioning of the ship's services by the Crown. Of course, the test is whether or not a substantial interference with the contract, amounting to "frustration of the adventure," had taken place, which the parties had not foreseen, and consequently had not provided for in the charter-party. If so, the contract is terminated by impossibility of performance on the principle recently discussed at length in *Horlock* v. *Beal* (*ante*, p. 236; 1916, A. C. 486). Where the alleged interference merely causes delay in performance, then the principle applies which was stated by BLACKBURN, J., in *Geipel* v. *Smith* (L. R. 7 Q. B., p. 412), that a delay in carrying out a charter-party, caused by something for which neither party was responsible, if so great and so long as to make it unreasonable to require the parties to go on with the adventure, entitles either of them—at least while the contract is executory—to consider it at an end. The crux, of course, is the reasonableness or unreasonableness of the delay caused by the interference, and on questions of what is unreasonable the sanest of minds con-

stantly differ. In this case the majority of the House saw no unreasonableness in considering the interrupted contract as still in force, and refused to treat it, at the instance of the shipowners, as terminated by impossibility of performance.

### The Interruption of Highways.

WE CANNOT help feeling it rather a pity that the House of Lords—one voice only dissenting—has practically overruled, in *A.-G.* v. *Great Northern Railway Co.* (reported elsewhere), the wholesome common law principle that a statutory undertaker who gets power to interrupt a highway for his own convenience must construct such works as will restore to the public at large as ample an enjoyment of the highway in perpetuity as they enjoyed before his interruption. Such was the doctrine laid down in a series of cases, of which the best known are *R.* v. *Inhabitants of Kent* (13 East, 219), *Herts County Council* v. *Great Eastern Railway* (1909, 2 K. B. 403), and *Macclesfield Corporation* v. *Great Central Railway* (1911, 2 K. B. 528). The point usually arises where railway or canal companies have obtained statutory powers to cross a highway by some special Act incorporating section 46 of the Railways Clauses Consolidation Act of 1845, which is in the following terms:—

> If the line of the railway cross any turnpike road or public highway, then (except where otherwise provided by the special Act) either such road shall be carried over the railway or the railway shall be carried over such road, by means of a bridge, of the height and width and with the ascent or descent by this or the special Act in that behalf provided; and such bridge, with the immediate approaches, and all other necessary works connected therewith, shall be executed and at all times thereafter maintained at the expense of the company.

The point which came before the House of Lords in *A.-G.* v. *Great Northern Railway Co.* (*supra*) was this. The railway company by a special Act had obtained power to lay its line across a certain highway. The company provided, in accordance with the statutory duty imposed by section 46 of the Consolidation Act, a bridge carrying the highway over the railway, and admittedly this bridge was adequate to the traffic then using the road. But the road, in the natural development of the locality, now carries more and heavier traffic, including motor traffic, and the bridge is no longer adequate to maintain the new traffic. The House of Lords held, however, that the standard of maintenance cast by law on the statutory undertakers is simply to maintain the bridge in the same state of stability as when it was first constructed. Of course, the practical effect of this decision is that the public now lose by having a bridge with limited traffic capacity instead of their pre-railway highway, which was available for all purposes.

### Lady Residents in the Temple.

WE HAVE recently had occasion to observe that the Benchers have allowed the name of a lady to be published as the occupier of the upper floor of a block of chambers in the Temple. Women have never, so far as we are aware, been excluded from the Temple, and we know that more than a hundred years ago CHARLES LAMB lived with his sister in King's Bench-walk and in Inner Temple-lane. Was it there that they suddenly broke into new territory and discovered an unoccupied room? The permission to allow the names of ladies to appear on the walls of chambers in the Temple is probably not unconnected with the fact that a large number of the residents in the upper floors have no part in the practice of the law.

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At the Auction Mart, Tokenhouse-yard, on 27th July, says the *Times*, Messrs. Foster & Cranfield offered a Lloyd's underwriters' policy for £5,100, payable as a total loss in the event of peace not being declared between Great Britain and Germany on or before June 30 next. It was stated in the catalogue that no further premium is payable, except a collecting premium of 1 per cent. on the sum assured, if the policy matures. The first bid was for £500, or about 10 per cent. of the sum insured, but the next was for £1,000. Then the bidding gradually advanced to £2,650, at which price the auctioneer announced that he should withdraw the policy. Presumably therefore the holder thinks that the risk of the war continuing beyond June 30 next is worth considerably more than 50 per cent. of the sum assured.

## The Registration of Business Names Bill.

IT IS somewhat unusual for a Bill to change its name while still under the consideration of the Legislature, but this has happened to the Registration of Firms Bill. As amended by the Select Committee of the House of Lords, it is now printed under the title of Registration of Business Names Bill, and the amended Bill will, it is understood, be submitted to the House again next week. The Bill has had a somewhat curious history. In 1878 Sir FREDERICK (then Mr.) POLLOCK was instructed by the Association of Chambers of Commerce to prepare a Bill for the following objects:—(1) To codify the general law of partnership; (2) to introduce a system of limited partnerships; and (3) to provide for a general system of registration of firms. A Bill was drafted accordingly, but the two latter objects, upon which Sir FREDERICK'S clients were at that time most bent, were dropped. The first part became law as the Partnership Act, 1890. His opinion then was that there was no real demand or need for either of objects (2) and (3) (Digest of the Law of Partnership, fifth ed., p. v.), but the proposal for limited partnerships was subsequently carried into effect by the Limited Partnerships Act, 1907—an Act which has been but little used in practice—and in 1900 a Bill was introduced in the House of Commons by Mr. EMMOTT, now Lord EMMOTT, to establish registration of firms. The Bill was read a second time without a division, and was referred to a Select Committee. But the Committee found so many difficulties in the practical working of the scheme, that they reported against the Bill in its existing shape, adding that the subject was well deserving of consideration with a view to legislation. The Bar Council, in a report on the Bill, said that they entirely approved of its principle. The Bill, with alterations, was introduced again in 1901, and has also been before Parliament subsequently, but without making further progress. In January of the present year it was introduced in the House of Lords by Lord SOUTHWARK, and came on for second reading on 19th January, but the Government declined to assist it, and the second reading was negatived, mainly on account of the opposition of Lord SUMNER and Lord PARMOOR. Lord SOUTHWARK introduced it again in the present Session, and the second reading debate was taken on 22nd March, when Lord SUMNER again made some strong criticisms. This time, however, it received a second reading, but the House, recognizing that its details would require serious consideration, referred it to a Select Committee.

The Select Committee, which included Lord WRENBURY and Lord MUIR MACKENZIE, examined seven witnesses—namely, Mr. PAYNE, the head of the Companies Department of the Board of Trade; Mr. THOMPSON, the Registrar of Companies; Mr. R. B. DUNWOODY, the Secretary of the Association of Chambers of Commerce; Mr. A. MCKENNA, on behalf of STUBBS (Limited); Sir W. E. B. PRIESTLEY, M.P., representing the Bradford Chamber of Commerce; Sir PHILIP S. GREGORY; and Mr. J. H. HADWEN, the Secretary of the Association of Trade Protection Societies of the United Kingdom. The evidence was concerned with practical questions as to the administrative work of registration, as to the names in which registration should be effected, and as to the position of sleeping partners and otherwise; and Sir PHILIP GREGORY'S evidence was mainly directed to matters of drafting. Moreover, the witnesses representing Chambers of Commerce and Trade Protection Societies gave evidence as to the demand for the measure by business people, and as to its utility in dealing with questions of credit, though the Committee, in their report, said that they had not thought it necessary to call much evidence as to the existence of a public demand for the Bill, as the commercial community throughout the country had for a long time made that clear. Inasmuch, however, as the Bill was criticised by high legal authority, the Committee thought right to invite observations from the General Council of the Bar, and had received from them most valuable suggestions, of which they had largely availed themselves.

We do not propose at present to notice in any detail the provisions of the Bill and the amendments made by the Select Committee. The title has been altered in the manner stated above, since the Bill is not confined to trading firms, but includes professional partnerships. And the Report says that the object of the Bill being to include not all partnerships, but only those where the style conceals the identity of the actual traders, the most convenient limit is expressed by requiring registration by all who do not use their true surnames to designate their business. The phrase "true surnames" has taken the place of "full names" in the earlier Bills, and it is defined to mean "the surname under which an individual is for the time being known, not including a surname adopted or assumed for business purposes." The necessity of this definition illustrates the practical difficulties with which the draftsman has had to contend, for a surname is readily assumed and put off. "As regards surnames"—as distinguished from Christian names—"there never was any doubt that, as in the first instance they were arbitrarily assumed, so they could be changed at pleasure" (Laws of England, Vol. 21, p. 350). The surname, the Committee say, "does not exhaust the trader's description, but it goes a long way towards it, and opens the path to further inquiry if necessary." Suggestions have been made for cutting out small country businesses from the scope of the Bill. To do this directly does not seem practicable, but the Committee observe that the requirement of the surname in effect covers this case, since local traders already use their actual surnames, or can very easily do so. The question of the enforcement of registration has given a good deal of trouble. It might be by penalty recoverable by the common informer, but this is undesirable, and has been recognized as one of the objections to the original Bills. It is now proposed to have a double sanction:—(1) a penalty enforceable by the Board of Trade; and (2) disability to sue on a contract so long as default in registration continues.

The Committee conclude their report as follows:—

> "The Committee feel bound to express their strong opinion that the Bill would be of special value under the conditions both of the warfare now prevailing and of the state of things which may be expected to arise immediately afterwards. Events have shewn how desirable it would have been to have had at the beginning of the war, and still would be to have, ready to hand such information as this Bill provides, and without entering upon any controversial matter relating to trade after the war, it may be generally accepted that the identity of those concerned with trade will be in the future an element of the greatest importance. The Committee accordingly venture to submit the Bill to the House as one which ought to be pressed forward without delay."

The reference in this connection to the war is unfortunate, and the suggestion that the Bill is in some way a war measure has already prejudiced it in the House of Lords. In both the second reading debates referred to above it was pointed out that registration as a war measure and registration for ordinary purposes of trading credit are quite distinct. If the Bill had been required as an emergency measure it would have been included by the Government in its Emergency Legislation, and would have been operative months ago, though with proper restrictions. In fact, the Bill, if required at all—on that we desire at present to express no opinion—is required to save traders from fraud. As a Bill directed against alien traders it does not seem opportune at the moment. Such a measure may come after the war if, contrary to all precedent, peace is only to mean the transfer of international strife to another field. On this Lord SUMNER'S words in the second debate in the House of Lords deserve quotation:—

> "If and in so far as this Bill is directed to dealing with questions in connection with the admission of aliens to this country as traders, their admission to citizenship and so forth, I venture to suggest that it may prejudge an issue that ought only to be decided very gravely, and that there is no possible excuse for treating it as a matter to be gone into now at a time when only emergency legislation is really desirable."

It is quite possible that the Bill will pass the House of Lords this Session, and as amended by the Select Committee its form has been undoubtedly improved. As it stands it bears the marks of very careful drafting revision. But it has waited since 1879—during most of which period there has been little sign of any demand for it—and we see no reason for treating it as being now of pressing importance. We should prefer to see it postponed until the questions which it involves can be considered quite apart from the feelings of the hour. As we have said above, the primary object of the Bill is to protect traders against fraud. It is quite possible that they could do this themselves by refusing to give credit where the names of the actual partners are concealed. If, instead of employing this simple means, they ask for the intervention of the State and the establishment of another system of registration, it may not unreasonably be pointed out that the State has for the present enough on its hands.

# Reviews.

## Wharton's Law Lexicon.

WHARTON'S LAW LEXICON; FORMING AN EPITOME OF THE LAWS OF ENGLAND UNDER STATUTE AND CASE LAW, AND CONTAINING EXPLANATIONS OF TECHNICAL TERMS AND PHRASES, ANCIENT, MODERN, AND COMMERCIAL; WITH SELECTED TITLES FROM THE CIVIL, SCOTS, AND INDIAN LAW. TWELFTH EDITION. By EDWARD ALBERT WURTZBURG, Barrister-at-Law. Stevens & Sons (Limited). 42s.

The new edition of Wharton's Law Lexicon has been very carefully revised and brought up to date. Possibly its completeness would not suffer if some of the words were omitted. "Abalienate," for instance, is not a word in ordinary use, and "Aballaba," as the ancient name of Appleby in Westmoreland, might, we imagine, be spared. This, however, is for the editor to consider, and of course one of the objects of a work of this kind is to give out-of-the-way information. "Droits of Admiralty" is a term to which the present war has given interest, though when we read, "large sums were obtained by the Crown on various occasions in the course of the last great war for the seizure of the enemy's property, most of which, however, were eventually given up to the public service," we are inclined to wonder to what war the reader of the future will think this refers.

There is no difficulty in selecting from the book words which have been made the occasion for a useful incorporation of current law in summarized form. "Drunkenness" furnishes guidance to the various recent statutes which have attempted to restrain it; "Insurance" states very concisely the nature of the different forms of insurance, and a reference to life insurance of a husband or wife, and the effect in this respect of the Married Woman's Property Act, 1882, is not omitted; while the National Insurance Acts are explained in a special and somewhat lengthy title. The modern touch is apparent also in the head "Dependant and Dependent," with its references to the Workmen's Compensation Act, 1906, and other statutes; in "Money Bills," with references to the Parliament Act, 1911; in "Money had and received" and the reference to the judgment of Lord Sumner in *Sinclair v. Brougham* (1914, A. C., p. 453); and under "Scotland and Ireland" there is a full summary of the Government of Ireland Act, 1914, though we do not find any reference to the Suspensory Act, 1914, under which its operation is for the present postponed. Other heads which contain very useful information are "Interest," with a reference to *London Chatham and Dover Railway Co. v. South Eastern Railway Co.* (1893, A. C. 429); "Joint Tenancy," "Payment into Court," with reference to the R.S.C. on this subject; "Powers"; and "Rent." The work will act as a very useful guide to current law as well as to the meaning of legal terms.

## Books of the Week.

**International Law.**—A Short Consideration of International Law. By GEORGE HENRY EVANS. St. Clement's Press (Limited).

Canada Law Journal, June, 1916. Canada Law Book Co. (Limited), Toronto.

International Law Notes, August, 1916. Stevens & Sons (Limited); Sweet & Maxwell (Limited). 9d.

Criminal Appeal Cases. Reports of Cases in the Court of Criminal Appeal, June 5, 8, 23; July 4, 1916. Edited by HERMAN COHEN, Barrister-at-Law. Vol. 12, Part 4. Stevens & Haynes. 3s. net.

Munitions of War Acts, 1915–1916. Scottish Appeal Reports, Part No. I. July, 1916. Wm. Hodge & Co., Edinburgh and Glasgow. 1s.

**Interest.**—Layton's Simple Interest Tables. Second Edition. By ALEX. S. SELLAR, M.A. Charles & Edwin Layton. 5s.

# Correspondence.

## Alien-born Privy Councillors.

[*To the Editor of the Solicitors' Journal and Weekly Reporter.*]

Sir,—With reference to the article on p. 650, "Alien-born Privy Councillors," is not the statement, "Prior to 1870 naturalization could only be obtained by an Act of Parliament, but after that date it could be obtained by the grant of a certificate," &c., too wide, having regard to 7 & 8 Vict. c. 66, under which I know certificates were granted?

I, unfortunately, have not a copy of this Act to refer to, so cannot say whether it refers to Privy Councillors, but the statement I have quoted does not refer only to them.

SAMUEL A. M. SATOW, Master.

Royal Courts of Justice.

[Our correspondent is quite right. The statement was too wide. Naturalization by certificate was introduced by the Aliens Act, 1844 (7 & 8 Vict. c. 66), s. 6; but this—as was usual, we believe, with private Naturalization Acts—expressly excepted membership of the Privy Council and of either House of Parliament. Naturalization by certificate, with full political rights, was first introduced by the Act of 1870, and our statement should have been restricted accordingly. We are obliged to Master Satow for the correction.—ED. *S.J.*]

# CASES OF LAST SITTINGS.

## House of Lords.

**ATTORNEY-GENERAL (on the Relation of PICKFORDS (LIM.)) *v.* GREAT NORTHERN RAILWAY CO.** 9th, 11th, and 12th May; 6th June; 21st July.

HIGHWAY—BRIDGE OVER RAILWAY—MAINTENANCE—MEASURE OF OBLIGATION—HEAVY MOTOR TRAFFIC—RAILWAY CLAUSES CONSOLIDATION ACT, 1845 (8 & 9 VICT. c. 20)—LOCOMOTIVE ACT, 1861 (24 & 25 VICT. c. 70)—LOCOMOTIVES ON HIGHWAYS ACT, 1896 (59 & 60 VICT. c. 36)—MOTOR CAR ACT, 1903 (3 ED. 7, c. 36).

*A railway company by statutory authority interrupted a highway by the construction of a railway. The statute required the company to build and maintain a bridge to carry the highway over the railway. Subsequently heavier traffic than at the time the bridge was built came, or might reasonably be expected to come, upon the highway. The railway company affixed a notice to the bridge under the provisions of the Motor Car Act, 1903, to the effect that the bridge was not sufficient to carry heavy traffic.*

*Held*, Lord Haldane *dissenting, that the obligation to repair and maintain the bridge imposed by the private Act authorizing its erection referred to a bridge able to carry the road which the railway crossed, and that was the road determined at the moment when the railway was built. It was the bridge constructed in conformity with the Act that the company were bound to maintain, and they were subject to no further or added liability by reason of the fact that the character of the traffic now using the road had changed.*

*Decision of the* Court of Appeal (59 SOLICITORS' JOURNAL, 578; 13 *L. G. R.* 998) *affirmed.*

Appeal by the Attorney-General against a judgment of the Court of Appeal which reversed a decision of Warrington, J. The main question at issue was as to the condition of strength in relation to traffic in which the respondent company were bound to maintain a bridge carrying the highway leading from Hornsey-road to Crouch End across their railway which was erected in 1867 under powers given to the company by a special Act which incorporated the Railways Clauses Consolidation Act, 1845. Since that time heavy motor traffic had become common on this highway. The appellant contended that the respondents were bound to maintain the bridge in a condition to support all traffic which might reasonably be expected from time to time to pass along the highway. The respondents, while admitting their liability to maintain the bridge, contended that their obligation was measured by the traffic which existed at the time when the bridge was erected. The Court of Appeal held that the case was governed by the decision in *Sharpness New Docks, &c., Co.* v. *Attorney-General* (59 SOLICITORS' JOURNAL, 381; 13 L. G. R. 563), and allowed the appeal by the railway company. The Attorney-General appealed from that judgment. The appeal was twice argued in their lordships' House.

Lord BUCKMASTER, C., said the question raised was of unusual importance. On the one side it involved an undoubted limitation of the rights of the user of public roads carried by a bridge over the lines of a railway company, and, on the other, it might throw on railway companies the obligation to reconstruct such bridges to meet the growing demands of heavy modern traffic. The circumstances in which the case had arisen must exist in many instances, and they were likely to increase. He referred to the facts and to the decision of this House in the *Sharpness New Docks case* (*supra*), and said that, if section 46 of the Act of 1845 imposed on the railway company the obligation only of repairing a particular bridge, namely, the bridge which was properly erected to carry the road when the railway was made, then all outside considerations as to what the obligations might have been apart from the statute became irrelevant, and no greater duty than maintaining such a bridge as would carry the road as it existed at the time when the bridge was built was cast on the company. In his opinion the decision of the Court of Appeal was right.

Lords LOREBURN, SHAW and SUMNER gave judgment to the same effect as Lord Buckmaster.

Lord HALDANE dissented. He was a party to the decision in this House of the *Sharpness New Docks case*. That was a decision on a statute differing substantially from the private Act they were now considering. With all due respect to those who thought otherwise, he was quite unable to read the judgment of this House in that case as having done more than interpret a particular set of words. And in interpreting other words in another statute such a judgment could render no more assistance than that which was derived by a court which had to construe a will of personal estate from decisions on other and differently worded wills. By a majority the appeal was dismissed.—COUNSEL, for the appellant, *Sir Robert Finlay*, K.C., *Charles*, K.C., and *Jowitt*; for the respondents, *Tomlin*, K.C., *Vernon*, and *Andrewes-Uthwatt*. SOLICITORS, *Joynson Hicks & Co.*; *R. Hill Dawe*.

[Reported by ERSKINE REID, Barrister-at-Law.]

## Court of Appeal.

**TAYLOR (INFANT) *v.* POWELL DUFFRYN STEAM COAL CO. (LIM.)**
No. 1. 12th July.

WORKMEN'S COMPENSATION—DEPENDENCY, TOTAL OR PARTIAL—ILLEGITIMATE CHILD OF MARRIED WOMAN—PAYMENT OF FATHER'S EARNINGS TO MOTHER—HUSBAND ENLISTS IN ARMY—WIFE IN RECEIPT OF SEPARATION ALLOWANCE—EVIDENCE—NO COMMON FUND—WORKMEN'S COMPENSATION ACT, 1906 (6 ED. 7, c. 58), s. 13, SCHEDULE I (1).

*A woman with three children having been deserted by her husband, who failed to maintain her, cohabited with another man as his wife, and ultimately had an illegitimate child by him. He maintained the woman and her family, paying over to her almost all his weekly earnings. Some time before the child was born the husband enlisted in the Army, and the wife thereupon became in receipt of a weekly separation allowance for herself and her three legitimate children. The father of the illegitimate infant having met his death by accident,*

*Held, that, there being no evidence that the separation allowance was paid into a common fund with the father's wages, and used to support the infant, the latter must be presumed to be wholly dependent on the father's earnings.*

Appeal by a dependant from an award of the county court judge at Merthyr Tydfil. The appellant was the illegitimate infant child of a married woman, Martha Taylor, and the father had been killed by accident arising out of and in the course of the employment. Mrs. Taylor married her husband in 1901, and they lived together until January, 1912, when he deserted her. There were three children of the marriage, all daughters. Mrs. Taylor obtained an order against her husband to contribute 12s. 6d. per week maintenance, but nothing was ever paid under this order. In August, 1912, Mrs. Taylor went to live with a man named Price, who made a home for her and her children, and from that time she passed as Mrs. Price. He paid over to her the great bulk of his earnings—45s. to 50s. a week. In September, 1914, Taylor joined the Army, and, having reported himself as a married man, an order was made under military authority allowing Mrs. Taylor 23s. per week separation allowance for the maintenance of herself and her three children. In October, 1914, the appellant was born, Price being the father. In December, 1915, Price was killed by accident in one of the respondents' mines. The county court judge held, in an arbitration claiming compensation on the basis of total dependency, that the infant was only partially dependent on its father, by reason of the separation allowance paid to the mother. The infant appealed.

THE COURT allowed the appeal.

Lord COZENS-HARDY, M.R., said the appeal from his honour Judge Bryn Roberts arose in one of the most curious sets of circumstances that he had ever known; and, having stated the facts of the case, proceeded: The claim was made on the basis of total dependency; the respondents' answer was obviously made not on any question of dependency, but on that of the paternity of the child. It was proved beyond all doubt that he was the illegitimate child of Price, and *primâ facie* he was entitled on the basis of total dependency. Price used to pay all his wages, except what he retained as "tobacco-money," to Mrs. Taylor. But it was said it must be presumed she added the separation allowance to what she received from Price, and treated the total as a common fund. His lordship declined to presume there was any such fund at all; she was never asked any question in cross-examination to shew what she did with the money. There was no evidence to shew that the mother, who was receiving good wages from Price, ever applied this allowance in any way towards relieving Price of his obligation to maintain his child. His lordship was not sure that the same result would not follow even if it could have been shewn that the money was paid into a common fund. But the safest ground on which to proceed was that the respon-

dents' contention was unsupported by evidence. The appeal therefore would be allowed.

PICKFORD and WARRINGTON, L.JJ., delivered judgment to the same effect.—COUNSEL, *A. Parsons*, K.C., and *A. B. Thesiger* (for *Harold Morris*, on H.M. service); *Inskip*, K.C., and *W. Shakespeare*. SOLICITORS, *Smith, Rundell, & Dodd*, for *Morgan, Bruce, & Nicholas*, Cardiff; *Downing, Handcock, Middleton, & Lewis*, for *Reginald Harrison & Hann*, Cardiff.

[Reported by H. LANGFORD LEWIS, Barrister-at-Law.]

**INCE *v.* REIGATE EDUCATION COMMITTEE.** No. 1. 18th, 19th and 29th July.

WORKMEN'S COMPENSATION—VISITING NURSE—USE OF BICYCLE IN RESIDENTIAL DISTRICT—CYCLING ACCIDENT—ORDINARY STREET RISK—WORKMEN'S COMPENSATION ACT, 1906 (6 ED. 7, c. 58), s. 1 (1).

*A nurse, employed by a local education authority in a residential rural district, had in the course of her duty to ride a bicycle from six to ten miles a day, calling at houses to inspect children. While so engaged she met with an accident, the machine skidding and throwing her under the wheel of a cart, seriously injuring her thumb.*

*Held, that the accident was due to an ordinary street risk, common to all cyclists; that cycling could not be considered other than a safe means of locomotion; and therefore that the accident did not arise out of the employment.*

Appeal by the employers from an award of the county court judge at Redhill. The applicant was a nurse employed to inspect the children in the elementary schools at Reigate, Redhill, and Earlswood. Her principal duty was to visit all children whose names were sent to the doctor by teachers as requiring attention, and for this purpose she had to cycle from six to ten miles every week-day. When engaged she was told she would have to ride a bicycle, and one was provided for her by the education committee. On an average she visited four or five children each day, attending the schools after her visits were over for the day. On 13th March, 1915, in the course of her duty, she was cycling along Earlswood-road, in a residential district, and had to get round a cart drawn up partly across the road, when three other carts were approaching her. The machine "skidded," and she fell off. One of the carts passed over her thumb, which was subsequently amputated. The county court judge held that she was entitled to compensation, as her occupation exposed her to "abnormal risk," out of which the accident arose. He said she had to travel many hours a day over a large area, through which the main Brighton road ran, and that the risk was enhanced by her having, when paying visits, to make frequent mounts and dismounts. The employers appealed. *Cur. adv. vult.*

THE COURT allowed the appeal.

Lord COZENS-HARDY, M.R., in giving judgment, said: This appeal raises a question of general interest as to the conditions in which a bicycle accident may establish a claim to compensation under the Workmen's Compensation Act, 1906. Whatever may have been the case in the early days of bicycling, there is no doubt that bicycles are now used by young and old of both sexes as a recognized ordinary means of locomotion in rural and suburban districts, if not also in densely populated cities. The idea of risk or danger is not associated with a modern bicycle. There may be circumstances connected with a particular road which renders it dangerous, such as bad gradients or level crossings, but the presumption is that a bicyclist on an ordinary road is doing what is safe. An accident may happen, but a pedestrian is not exempt from accidents. It is settled in this country, though the Scottish courts take a different view, that a risk of the road or street does not entitle a pedestrian to compensation from his employer, and I cannot see why a bicyclist should be in a better position. Even a pedestrian, who is specially exposed to risk by reason of the nature of the employment, such as a sandwich-man, who is walking all day long in the streets, might, I imagine, obtain compensation. Just so, a bicyclist who has to spend practically the whole day in the streets of a busy town, may obtain compensation. This was decided by this Court in *Pearce* v. *Provident Clothing and Supply Co.* (1911, 1 K. B. 997), where the man was a collector and canvasser in Birkenhead. On the other hand, it has been decided by this Court that a clerk who was permitted to go on a bicycle on his master's business from Rochester to Northfleet could not obtain compensation for an injury suffered through a collision on the main road: *Read* v. *Baker* (9 B. W. C. C. 361), and see *Dennis* v. *A. J. White & Co.* (1916, 2 K. B. 1). His lordship then stated the facts of this case, and, continuing, said that, if the county court judge had simply stated that the nurse was exposed to "abnormal risk," it might have been difficult for the Court of Appeal to interfere. But he had assigned three reasons, two of which were not supported by the evidence, and the third of which seemed to him (his lordship) to be irrelevant. In these circumstances he thought it was competent for the Court of Appeal to consider whether the applicant was exposed to abnormal risk. His lordship was of opinion that she was not. He therefore held that the appeal must be allowed, and an award made in favour of the employers.

PICKFORD and WARRINGTON, L.JJ., delivered judgment to the same effect, the former observing that the conflict of view between the English and Scottish courts in similar cases of "street risk" ought to be determined by the highest tribunal.—COUNSEL, *Ellis Hill; P. T. Blackwell and G. Blackwell*. SOLICITORS, *Watson, Sons, & Room; W. B. Blackwell & Co.*

[Reported by H. LANGFORD LEWIS, Barrister-at-Law.]

# High Court—Chancery Division.

***Re* CONRAD HALL & CO. (LIM.).** Astbury, J. 20th and 28th June

COMPANY—DEFUNCT—REMOVAL FROM THE REGISTER—PETITION TO RESTORE—ASSENT OF REGISTRAR—OPPOSITION BY PARTY TO AN ACTION AGAINST THE COMPANY—NO LOCUS STANDI—PRACTICE—COMPANIES (CONSOLIDATION) ACT, 1908 (8 ED. 7, c. 69), s. 242, SUB-SECTIONS 5 AND 6.

*It is not necessary for a dissolved company, when presenting a petition under section 242, sub-section 6, of the Companies (Consolidation) Act, 1908, to have its name restored to the register, to present such petition during the period between the striking off and the dissolution.*

*The practice in the past has been for the publication of dissolution of the company in the* Gazette *to follow almost immediately on the striking off of the company's name by the Registrar, and it has been a common and usual practice to make orders for restoration after the date of dissolution under sub-section 5 of section 242, and this practice ought not to be disturbed.*

Re Outlay Assurance Society (1887, 34 *Ch. D.* 479) *followed.*

*A person suing the company for rescission of contracts has no* locus standi *to be heard in opposition to such a petition.*

This was a petition under section 242, sub-section 6, of the Companies (Consolidation) Act, 1908, to have the name of a company restored to the register. The company was incorporated in 1911 as a private company. In 1915 the name of the company was struck off the register under sub-section 5, of section 242, of the Companies (Consolidation) Act, 1908, for default of returns and non-reply to notices under sub-sections 1, 2 and 3, and notice was published the same day in the *Gazette* that the company was struck off and dissolved. For five months, owing to the negligence of the secretary of the company, neither the notices nor the fact of dissolution came to the company's knowledge. It then promptly presented this petition, and gave evidence including evidence that it was carrying on business when struck off. According to the practice the petition was only served on the Registrar of Joint Stock Companies, but at the hearing Kennedy, who was suing the company for rescission of certain agreements, appeared, and applied to be heard to oppose. The learned Judge decided he had no *locus standi*. The Registrar decided not to oppose the petition if the usual notices were filed and the general manager joined as a co-petitioner to be responsible for costs.

ASTBURY, J., after stating the facts, said: Sub-sections 5 and 6, of section 242, of the Companies (Consolidation) Act, 1908, are curiously drafted. Sub-section 5 provides that, at the expiration of the time mentioned in the notice under sub-section 3, the Registrar may, unless cause to the contrary is shewn, strike the company's name off the register, and shall publish notice thereof in the *Gazette*, and on the publication in the *Gazette*, the company shall be dissolved. In practice the publication in the *Gazette* is either simultaneous with or within one or two days of the striking off, so that there is practically no time for the company or anyone else to take any step between the striking off and the dissolution. Sub-section 6, however, provides that the company, or a member or creditor thereof, may apply for the restoration of its name to the register. I am informed that it is the common and usual practice to make these orders after the date of the dissolution under sub-section 5, and similar orders have been made in *Re Outlay Assurance Society* (*supra*) and *Re Johannesburg Mining and General Syndicate* (1901, W. N. 46), where the petitions were by liquidators on behalf of dissolved companies. This settled practice ought not to be disturbed, and as the Registrar does not oppose, and Kennedy has no *locus standi*, there will be the usual order.—COUNSEL, *The Hon. Frank Russell*, K.C.; *A. H. Woolf; Austen-Cartmell; C. A. Bennett*. SOLICITORS, *Telfer, Leviansky, & Co.; Solicitor to the Registrar of Joint Stock Companies; Slaughter & May*.

[Reported by L. M. MAY, Barrister-at-Law.]

**MINERS *v.* LAWRY.** Astbury, J. 2nd June.

TRUSTEE—MARRIED WOMAN—PURPORTED MARRIAGE CEREMONY WITH ANOTHER MAN—ADMINISTRATION TAKEN OUT BY HIM—LETTERS OF ADMINISTRATION NOT REVOKED—ADMINISTRATOR DECLARED TRUSTEE FOR REAL HUSBAND.

*A married woman went through a form of marriage with another man, her real husband still being alive, and died many years later. Thereupon the man with whom she had been living took out administration as her lawful husband, and later still her real husband arrived from abroad and heard what had happened, and brought an action.*

*Held, that, applying the principle in* Smart *v.* Tranter (1890, 43 *Ch. D.* 587), *the Court could and would make a declaration that the administrator was a trustee for the real husband.*

In 1882 the plaintiff in this action married. He lived with his wife in Australia, having one child, which died in infancy. In 1904 his wife, having returned to England without her husband, went through a form of marriage with one Lawry, and lived with him as his wife until she died in 1912. Lawry then took out administration to her estate as her lawful husband and took possession of it, and claimed to be entitled to it for his own benefit. In 1915 the real husband returned to England, and for the first time discovered what had hap-

pened, and commenced an action against the administrator, alleging that he (the plaintiff) was the lawful husband, and asking for a declaration that the defendant (the administrator) was a trustee for him of the personal estate of his wife, and also asking for an account. Counsel for the plaintiff asked that it might be declared that the real husband was beneficially entitled, and that the administrator held as trustee for him; and that it was not necessary to go to the expense of a revocation of the grant of administration. He relied on *Smart* v. *Tranter* (1890, 43 Ch. D. 587), where the Court made an order declaring the executor of a testatrix, married before the Married Women's Property Act, 1882, a trustee of her *choses in action* for the husband.

ASTBURY, J., after stating the facts, said that the order should be made in the following form:—Declare that the defendant is a trustee for the plaintiff of the personal estate of the above-named intestate, who died on 1st February, 1912, and to whose estate letters of administration were granted to the defendant on 17th February, 1912, subject to such deduction as such personal estate would have been subject to if the plaintiff had taken out letters of administration to his wife. Order the following account and inquiry—viz. (1), an account of the personal estate of the intestate come to the hands of the defendant or any other person or persons by his order or for his use; (2) an inquiry whether the defendant has made any and what payments and disbursements as administrator of the intestate's estate in respect whereof the plaintiff, had he taken out letters of administration of the intestate's estate, would have been liable.—COUNSEL, *Whitmore Richards*. SOLICITORS, *Rawle, Johnstone, & Co.*, for *Bond & Pearce*, Plymouth.

[Reported by L. M. MAY, Barrister-at-Law.]

# King's Bench Division.

**HOOD *v.* WEST END MOTOR-CAR PACKING CO.** Rowlatt, J. 6th June.

INSURANCE — MARINE — NON-DISCLOSURE OF MATERIAL FACTS — DECK CARGO—"HELD COVERED" CLAUSE 4, IN INSTITUTE CARGO CLAUSES—ERROR IN DESCRIPTION—"INCLUDING ALL LIBERTIES AS PER CONTRACT OF AFFREIGHTMENT"—INSTITUTE CARGO CLAUSES, CLAUSE 7.

*A motor-car was shipped by a packing company acting as the agents of the owner for packing, forwarding, and insuring it for carriage to Messina; the shipowners having "reserved to themselves the liberty to ship goods of any description on deck." The company did not disclose to the underwriters that the car was to be carried on deck. The car was wrecked by the action of the sea, and the underwriters refused to pay. In an action by the car-owner for damages against the packing company for not having obtained a valid insurance, the defendants pleaded that the policy was valid, and that under the "held covered" clause and clause 7 of the Institute Cargo Clauses the underwriters were liable to pay the loss.*

*Held, that the non-disclosure was not an error of description within the "held covered" clause; nor was a right given of shipping the car on deck under "liberties" in clause 7.*

In October, 1914, the plaintiff's agents made a contract with the defendants that they should arrange for the packing, forwarding and insurance of his motor-car for Messina. In January-February of 1915 they sent it on the deck of the steamship *Hero* to Messina. On the passage it was wrecked by the action of the sea, and became of no value. Under the contract of affreightment the shipowners, by their printed conditions, reserved "liberty to ship goods of any description on deck." The defendants knew the car was to be carried on deck, yet they insured it under a common form policy at Lloyd's, and the plaintiff contended that, owing to the defendants' negligence, he could not recover from the underwriters. He therefore sued the defendants for £500 damages. The defendants pleaded that the policy was valid by virtue of the Institute Cargo Clauses attached to the policy. Clause 4 is: "Held covered at a premium to be arranged in case of deviation . . . . or of any omission or error in the description of the interest vessel or voyage." Clause 7 is: "Including all liberties as per contract of affreightment." They cited *Hewitt* v. *Wilson* (1914, 83 L. J. K. B. 1417, 30 T. L. R. 619), and *Hyderabad (Deccan) Co.* v. *Willoughby* (1899, 2 Q. B. 530, 4 Com. Cas. 270). Rule 17 of the Rules for Construction of Policy given in the first schedule to the Marine Insurance Act, 1906, states that in the absence of any usage to the contrary, deck cargo . . . must be insured specifically and not under the general denomination of goods.

ROWLATT, J., in giving judgment for the plaintiff, said that he had come to the conclusion that the loss was not within the policy. The loss could not be brought within Clause 4, as if omitting to declare were a case of omission under that clause. The clause must be held to apply only when there has been some error of description which can be met by some alteration in the premium; and it must leave the subject-matter insurable in the contemplation of the parties by any underwriter in the market. The difference is great between a car carried under deck or carried on deck, and many underwriters would not look at a policy of the latter kind. As to clause 7, it was said to include the clause in the contract of affreightment wherein the shipowners reserve "liberty" to ship goods of any description on deck. This was only a liberty in the grammatical sense, and not what was meant by this clause. There was no mention of any further premium; but the shipping on deck or under deck would make a great difference in premiums; and it could not be concluded that under the word "liberties" would be included the right to ship a motor-car of all other things on deck. There would be judgment for the plaintiff.—COUNSEL, *Barnard Lailey*, K.C., and *E. F. Spence; Newbolt*, K.C., and *A. Lawton; Leck*, K.C., and *Martin O'Connor*. SOLICITORS, *Capel, Cure, & Ball; Richard Brooks*.

[Reported G. H. KNOTT, Barrister-at-Law.]

# New Orders, &c.

## High Court of Justice.

### LONG VACATION, 1916.

### NOTICE.

During the Vacation, up to and including Wednesday, 6th September, all applications "which may require to be immediately or promptly heard," are to be made to the Hon. Mr. Justice Sargant.

*Court Business.*—The Hon. Mr. Justice Sargant will, until further notice, sit in The Lord Chief Justice's Court, Royal Courts of Justice, at 10.30 a.m., on Wednesday in every week, commencing on Wednesday, 9th August, for the purpose of hearing such applications, of the above nature as, according to the practice in the Chancery Division, are usually heard in Court.

No Case will be placed in the Judge's Paper unless leave has been previously obtained, or a Certificate of Counsel that the Case requires to be immediately or promptly heard, and stating concisely the reasons, is left with the papers.

The necessary papers, relating to every application made to the Vacation Judges (see notice below as to Judges' Papers), are to be left with the Cause Clerk in attendance, Chancery Registrars' Office, Room 136, Royal Courts of Justice, before 1 o'clock two days previous to the day on which the application is intended to be made. When the Cause Clerk is not in attendance, they may be left at Room 136, under cover, addressed to him, and marked outside Chancery Vacation Papers, or they may be sent by post, but in either case so as to be received by the time aforesaid.

*Urgent Matters when Judge not Present in Court or Chambers.*—Application may be made *in any case of urgency*, to the Judge, personally (if necessary), or by post or rail, prepaid, accompanied by the brief of Counsel, office copies of the affidavits in support of the application, and also by a Minute, on a separate sheet of paper, signed by Counsel, of the order he may consider the applicant entitled to, and also an envelope, sufficiently stamped, capable of receiving the papers, addressed as follows:—"Chancery Official Letter: To the Registrar in Vacation, Chancery Registrars' Office, Royal Courts of Justice, London, W.C."

On applications for injunctions, in addition to the above, a copy of the writ, and a certificate of writ issued, must also be sent.

The papers sent to the Judge will be returned to the Registrar.

The address of the Vacation Judge can be obtained on application at Room 136, Royal Courts of Justice.

*Chancery Chamber Business.*—The Chambers of Justices Sargant and Younger will be open for Vacation business on Tuesday, Wednesday, Thursday and Friday in each week, from 10 to 2 o'clock.

*King's Bench Chamber Business.*—The Hon. Mr. Justice Sargant will, until further notice, sit for the disposal of King's Bench business in Judge's Chambers at 10.30 a.m. on Tuesday in every week, commencing on Tuesday, the 8th August.

*Probate and Divorce.*—Summonses will be heard by the Registrar, at the Principal Probate Registry, Somerset House, every day during the Vacation at 11.30 (Saturdays excepted).

Motions will be heard by the Registrar on Wednesdays, 16th and 30th of August, the 13th and 27th of September, at the Principal Probate Registry, at 12.30 o'clock.

Decrees will be made absolute on Wednesdays, the 16th and 30th of August, the 13th and 27th of September.

All Papers for Motions and for making Decrees absolute are to be left at the Contentious Department, Somerset House, before 2 o'clock on the preceding Friday.

The Offices of the Probate and Divorce Registries will be opened at 10 a.m. and closed at 4 p.m., except on Saturdays, when the Offices will be opened at 10 a.m. and closed at 1 p.m.

*Judge's Papers for Use in Court.*—Chancery Division.—The following Papers for the Vacation Judge, are required to be left with the Cause Clerk in attendance at the Chancery Registrars' Office, Room 136, Royal Courts of Justice, on or before 1 o'clock, two days previous to the day on which the application to the Judge is intended to be made:—

1.—Counsel's certificate of urgency or note of special leave granted by the Judge.

2.—Two copies of writ and two copies of pleadings (if any), and any other documents shewing the nature of the application.

3.—Two copies of notice of motion.

4.—Office copy affidavits in support, and also affidavits in answer (if any).

N.B.—Solicitors are requested when the application has been disposed of, to apply at once to the Judge's Clerk in Court for the return of their papers.

## War Orders and Proclamations.

The *London Gazette* of 28th July contains the following :—

1. A Proclamation, dated 28th July (printed below), postponing the August Bank Holidays.

2. A Proclamation, dated 28th July (printed below), prohibiting, under section 43 of the Customs Consolidation Act, 1876, the importation of cocaine and opium.

3. A Proclamation, dated 28th July (printed below), prohibiting, under the same section, the importation of certain goods.

4. A Proclamation, dated 28th July (printed below), with reference to the Australian Branch Mints.

5. An Order in Council, dated 28th July (printed below), amending the Defence of the Realm (Consolidation) Regulations, 1914.

6. An Order in Council, dated 28th July (printed below), extending the Liquor Control area, known as the Scotland, West Central Area.

7. An Order in Council, dated 28th July, extending to the Isle of Man the Defence of the Realm Regulations issued by Order in Council, dated 27th June, 1916 (*ante*, p. 607).

8. An Order in Council, dated 26th July, further amending the Proclamation, dated 10th May, 1916, prohibiting the exportation from the United Kingdom of certain articles to certain or all destinations.

9. An Order of the Ministry of Munitions, dated 21st July (printed below), under Regulation 30A of the Defence of the Realm (Consolidation) Regulations, 1914 (59 SOLICITORS' JOURNAL, 764), with reference to War Material.

10. A Notice that Orders have been made by the Board of Trade, under the Trading with the Enemy Amendment Act, 1915, requiring 7 more businesses to be wound up, bringing the total to 266.

The *London Gazette* of 1st August contains the following :—

11. A Foreign Office Notice, dated 1st August, making additions or corrections to the list published as a supplement to the *London Gazette* of 16th May, 1916, of persons to whom articles to be exported to China may be consigned in accordance with the provisions of the Proclamation relating to the exportation of articles to China and Siam during the present war, issued on the 24th day of September, 1915.

12. A Notice, dated 31st July, of additional appointments of members of Appeal Tribunals under the Military Service Act, 1916, as follows :—

County of Derby (1); County of Huntingdon (1); Administrative County of the East Riding of Yorkshire (2).

13. A Notice that Orders have been made by the Board of Trade, under the Trading with the Enemy Amendment Act, 1915, requiring 13 more businesses to be wound up, bringing the total to 279.

14. An Admiralty Notice to Mariners, dated 27th July (No. 816 of the year 1916), being a republication of No. 1022 of 1915, together with Nos. 572, 594, and 621 of 1916, relating to England, East Coast. It contains regulations issued under the Defence of the Realm (Consolidation) Regulations, 1914, by which traffic off Harwich, Yarmouth, and the River Tyne is restricted.

## Postponement of the August Bank Holidays.

A PROCLAMATION.

Whereas by Regulation 9.C of the Defence of the Realm (Consolidation) Regulations, 1914, it is provided that where it appears to Us that the keeping as a Bank Holiday or a Public Holiday of any day appointed to be so kept by the Bank Holidays Act, 1871 (as extended and amended by any other enactment), or by any Proclamation issued thereunder or under the said Regulation, would impede or delay the production, repair, or transport of war material, or of any work necessary for the successful prosecution of the war, it shall be lawful for Us by Proclamation to declare that any such day shall not in any year be a Bank Holiday or a Public Holiday as respects the whole of the United Kingdom or any part thereof, and by that or any subsequent Proclamation to appoint such other day as to Us in Council may seem fit to be a Bank Holiday or a Public Holiday instead thereof :

And whereas by the Bank Holidays Act, 1871, as so amended, the first Monday in August is a Bank Holiday and a Public Holiday throughout the United Kingdom :

And whereas by Our Proclamation of the eighth day of June, one thousand nine hundred and sixteen, Tuesday, the eighth day of August next, was appointed to be kept as a Bank Holiday and a Public Holiday in England and Wales and in Ireland instead of the Monday in Whitsun week :

And whereas it appears to Us that the keeping of the said days as holidays will impede and delay the production, repair, and transport of war material, and of other work necessary for the successful prosecution of the war :

Now, therefore, We do hereby, by and with the advice of Our Privy Council and in exercise of the powers aforesaid, declare that the first Monday in August shall not in the present year be a Bank Holiday or a Public Holiday in any part of the United Kingdom, and that Tuesday, the said eighth day of August, shall not be a Bank Holiday or a Public Holiday in England and Wales, or in Ireland, and We do hereby, by and with the advice and in exercise of the powers aforesaid, declare that such day as We may hereafter by Proclamation appoint shall be observed as a Bank Holiday and a Public Holiday throughout the United Kingdom instead of the first Monday in August, and that such day as We may so appoint shall be observed as a Bank Holiday and a Public Holiday in England and Wales and in Ireland instead of Tuesday, the said eighth day of August :

Provided that different days may be appointed instead of the said first Monday in August, and instead of Tuesday, the said eighth day of August, in different parts of the United Kingdom.

28th July.



## A Proclamation

FOR PROHIBITING THE IMPORTATION OF COCAINE AND OPIUM INTO THE UNITED KINGDOM.

[Recitals.]

Now, therefore, &c. :

As from and after this date, subject as hereinafter provided, all cocaine and all opium shall be prohibited to be imported into the United Kingdom :

Provided always, and it is hereby declared, that nothing in this Proclamation shall apply to cocaine or opium imported under the licence of one of Our Principal Secretaries of State and in accordance with the provisions of such licence.

The word "cocaine" includes all preparations, salts, derivatives, or admixtures prepared therefrom or therewith and containing 0.1 per cent. (one part in a thousand) or more of the drug.

The word "opium" means raw opium, powdered or granulated opium, or opium prepared for smoking, and includes any solid or semi-solid mixture containing opium.

This Proclamation may be cited as the Cocaine and Opium (Prohibition of Import) Proclamation, 1916.

28th July.

## A Proclamation

FOR PROHIBITING THE IMPORTATION OF CERTAIN ARTICLES INTO THE UNITED KINGDOM.

[Recitals.]

Now, therefore, &c. :

As from and after the seventh day of August, 1916, subject as hereinafter provided, the importation into the United Kingdom of the following goods is hereby prohibited, viz. :—

Air guns and rifles.
Sporting guns, carbines and rifles.
Oranges.

Provided always, and it is hereby declared, that this prohibition shall not apply to any oranges which are the produce of any of Our Dominions, Colonies, Possessions or Protectorates, nor to any goods of the kinds of which the importation is prohibited by this Proclamation which are imported under licence given by or on behalf of the Board of Trade, and subject to the provisions and conditions of such licence.

This Proclamation may be cited as the Prohibition of Import (No. 8) Proclamation, 1916.

28th July.

## The Australian Branch Mints.

A PROCLAMATION

Whereas Her late Majesty Queen Victoria, by and with the advice of Her Privy Council, did on the 13th day of October, 1897, issue Her Royal Proclamation establishing a Branch of Our Royal Mint at Perth in Western Australia :

And whereas by the Melbourne Mint Proclamation, 1900, and the Sydney Mint Proclamation, 1900, similar provision was made for establishing Branch Mints at Melbourne in Victoria and at Sydney in New South Wales :

And whereas under the Coinage Act, 1870, as amended by the Coinage Act, 1891, there is power to revoke or alter the said three Proclamations :

And whereas it is expedient that during the present War and a period of one year thereafter, the said Proclamations should be modified in the manner hereinafter appearing :

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, and in pursuance of all powers enabling Us in that behalf, to issue this Our Royal Proclamation, and We do hereby proclaim, direct and ordain as follows :—

1. Where any person brings gold bullion to any of the Branch Mints established under the above-recited Proclamations, the Deputy Master of that branch may, during the continuance of the present war and a period of one year thereafter, instead of delivering out coin to that person as provided by Article 5 in each of the said Proclamations, make payment for the bullion to that person in such manner as may be provided by regulations made under proviso (*d*) of sub-section (i) of those Articles, and those Articles shall during that period have effect accordingly.

2. This Proclamation may be cited as the Australian Branch Mints Proclamation, 1916.

28th July.

## Defence of the Realm Regulations.

### ORDER IN COUNCIL.

[Recitals.]

It is hereby ordered, that the following amendments be made in the Defence of the Realm (Consolidation) Regulations, 1914:

1. After regulation 9B the following regulation shall be inserted:—

"9C. Where it appears to His Majesty that the keeping as a bank holiday or a public holiday of any day appointed to be so kept by the Bank Holidays Act, 1871 (as extended and amended by any other enactment), or by any Proclamation issued thereunder or under this regulation, would impede or delay the production, repair, or transport of war material, or of any work necessary for the successful prosecution of the war, it shall be lawful for His Majesty by Proclamation to declare that any such day shall not in any year be a bank holiday or a public holiday as respects the whole of the United Kingdom or any part thereof, and by that or any subsequent Proclamation to appoint such other day as to His Majesty in Council may seem fit to be a bank holiday or a public holiday throughout or in any part of the United Kingdom instead thereof, and the Bank Holidays Act, 1871, and the enactments extending and amending that Act, shall have effect accordingly."

2. In regulation 27 the following paragraph shall be inserted after paragraph (*c*):—

"(*d*) Spread reports or make statements intended or likely to undermine public confidence in any bank or currency notes which are currency tender in the United Kingdom or any part thereof."

3. After regulation 30D the following regulation shall be inserted:—

"30E. A person shall not melt down, break up, or use otherwise than as currency any current gold coin, and if any person acts in contravention of this regulation he shall be guilty of a summary offence against these regulations."

4. After regulation 37A the following regulation shall be inserted:—

"37B (1) Every British ship of three thousand tons gross tonnage or upwards in respect of which a licence to instal wireless telegraph apparatus has been granted by the Postmaster-General, and which puts to sea from a port in the United Kingdom after a date to be specified in such a licence, shall be provided with a wireless telegraph installation, and shall maintain a wireless telegraph service, and shall be provided with a certified operator, together with suitable accommodation for the apparatus and operator:

"Provided that where a licence has been granted in respect of a ship before the making of this regulation, this obligation shall apply as if the twenty-first day of August, nineteen hundred and sixteen, were the date specified in the licence.

"(2) Application to the Postmaster-General in a form prescribed by him for such a licence shall, unless a licence has before the making of this regulation been granted in respect of the ship, be made—

(*a*) in the case of a ship of such tonnage as aforesaid, registered in the United Kingdom, by the owner thereof on or before the twenty-first day of August, nineteen hundred and sixteen; and

(*b*) in the case of a British ship of such tonnage as aforesaid, registered elsewhere than in the United Kingdom, by the master of the ship within two days from the arrival of the ship in the United Kingdom next after the making of this regulation.

"(3) The Postmaster-General shall, as and when wireless telegraph apparatus and the services of operators become available for the purpose, cause licences to be issued in respect of such ships as in the opinion of the Admiralty should in the national interests be fitted with such apparatus, and the licences shall specify the date as from which the carrying of such apparatus under this regulation is to be compulsory, the character of the apparatus, and the qualifications of the operator.

"(4) The Postmaster-General may—

(*a*) extend the time mentioned in the licence as the time within which any apparatus is to be provided; and

(*b*) exempt any ship from the obligations imposed by this regulation.

"(5) If the provisions of this regulation or the terms of any licence granted thereunder are not complied with in the case of any ship, the master or owner of the ship shall be guilty of a summary offence against these regulations, and if any master or owner fails to make an application in accordance with this regulation he shall be guilty of a summary offence against these regulations, and in either case if the ship is at any time subsequently found at a port of or within the territorial waters adjoining the United Kingdom, the ship may be seized and detained.

"(6) In this regulation expressions have the same meaning as in the Merchant Shipping Acts, 1894 to 1914."

5. After regulation 40A the following regulation shall be inserted:—

"40B. (1) If any person sells, gives, procures, or supplies, or offers to sell, give, procure, or supply, cocaine to or for any person, other than an authorised person, in the United Kingdom, he shall be guilty of a summary offence against these regulations unless he proves that the following conditions have been complied with:—

(*a*) the cocaine must be supplied on and in accordance with a written prescription of a duly qualified medical practitioner and dispensed by a person legally authorised to dispense such prescription;

(*b*) the prescription must be dated and signed by the medical practitioner with his full name and address and qualifications, and marked with the words 'Not to be repeated,' and must specify the total amount of cocaine to be supplied on the prescription, except that, where the medicine to be supplied on the prescription is a proprietary medicine, it shall be sufficient to state the amount of the medicine to be supplied.

(*c*) cocaine shall not be supplied more than once on the same prescription except in pursuance of fresh directions duly endorsed on the prescription by the medical practitioner by whom it was originally issued, and signed with his name in full, and dated;

(*d*) the name of the person, firm, or body corporate dispensing the prescription, the address of the premises at which and the date on which it is dispensed, must be marked on the prescription;

(*e*) the ingredients of the prescription so dispensed, with the name and address of the person to whom it is sold or delivered, shall be entered in a book specially set apart for this sole purpose and kept on the premises where the prescription is dispensed, which book shall be open to inspection by any person authorised for the purpose by the Secretary of State.

"(2) If any person, other than an authorised person or a person licensed to import cocaine, has in his possession any cocaine he shall be guilty of a summary offence against these regulations unless he proves that the cocaine was supplied on and in accordance with such a prescription as aforesaid.

"(3) If any person sells, gives, procures, or supplies, or offers to sell, give, procure, or supply, opium to or for any person, other than an authorised person, in the United Kingdom, or if any person, not being an authorised person or a person licensed to import opium, has any opium in his possession, he shall be guilty of a summary offence against these regulations.

"(4) If any person prepares opium for smoking, or deals in or has in his possession any opium so prepared, he shall be guilty of a summary offence against these regulations.

"(5) Every person who deals in cocaine or opium shall keep a record, in such form as may be prescribed by the Secretary of State, of all dealings in cocaine or opium effected by him, and if he fails to do so he shall be guilty of a summary offence against these regulations; every such record shall be open to inspection by any person authorised for the purpose by the Secretary of State.

"(6) If any person holding a general or special permit from the Secretary of State to purchase any drug to which this regulation applies fails to comply with any of the conditions subject to which the permit is granted, he shall be guilty of a summary offence against these regulations.

"(7) For the purpose of this regulation—

The expression 'authorised person' means a duly qualified medical practitioner, a registered dentist, a registered veterinary surgeon, a person, firm or body corporate entitled to carry on the business of a chemist and druggist under the provisions of the Pharmacy Act, 1868, as amended by the Poisons and Pharmacy Act, 1908, or of the Pharmacy Act (Ireland), 1875, as amended by the Pharmacy Act Ireland (1875) Amendment Act, 1890, a licentiate of the Apothecaries' Hall in Ireland, or a person holding a general or special permit from the Secretary of State to purchase the drug in question.

The expression 'cocaine' includes all preparations, salts, derivatives, or admixtures prepared therefrom or therewith and containing 0.1 per cent. (one part in a thousand) or more of the drug.

The expression 'opium' means raw opium or powdered or granulated opium."

28th July.

## Extended Liquor Control Area.

ORDER IN COUNCIL.

[Recitals.]

And whereas by an Order in Council, dated the 28th day of July, 1915, His Majesty was pleased to apply the Defence of the Realm (Liquor Control) Regulations, 1915, and any Regulations amending the same to an area known as the Scotland, West Central Area, and more particularly described in paragraph 2 of the Schedule to the said Order:

And whereas it appears to His Majesty to be expedient that the said area should be extended and that the area comprising the Counties of Bute and Argyll should be added thereto:

And whereas it appears to His Majesty that it is expedient for the purpose of the successful prosecution of the present War that the sale and supply of intoxicating liquor in the area thereby constituted and defined and specified in the Schedule hereto should be controlled by the State on the grounds that war material is being made, loaded, unloaded, and dealt with in transit therein, and that men belonging to His Majesty's military forces are assembled therein:

Now, therefore, &c., it is hereby ordered, as follows:—

The Defence of the Realm (Liquor Control) Regulations, 1915, and any regulations amending the same shall be, and are, hereby applied to the area defined and specified in the Schedule hereto.

SCHEDULE.

Scotland, West Central Area, being the area comprising the County of the City of Glasgow, the Counties of Lanark, Ayr, Renfrew, Dumbarton, Stirling, Bute and Argyll, including all Burghs within the geographical limits thereof, the Harbour of Glasgow and the Firth of Clyde and other arms of the sea and waters within a line drawn from Ardnamurchan Point to Ken-na-varah Point, thence to Rhinns Point, thence to the Mull of Kintyre and thence to the Heads of Ayr.

28th July.

## Ministry of Munitions of War.

21*st July*, 1916.

*Order.*

In pursuance of the powers conferred on him by Regulation 30A of the Defence of the Realm (Consolidation) Regulations, 1914, the Minister of Munitions hereby orders that the War Material to which the Regulation applies shall include war material of the following classes and descriptions, namely:—

Aluminium and Alloys of Aluminium, unwrought and partly wrought, including ingots, notched bars, slabs, billets, bars, rods, tubes, wire, strand, cable, plates, sheets, circles, strip.

Granulated aluminium, aluminium powder, "bronze," "Flake" and "Flitter."

The Order dated 7th December, 1915, published in the London *Gazette* of the same date, relating to all kinds of Aluminium and Alumina is hereby cancelled.

*Notice.*

All applications for a permit in connection with the above Order should be addressed to the Director of Materials, Ministry of Munitions, Armament Buildings, Whitehall Place, S.W.

## Controlled Establishments.

The Minister of Munitions announces that he has made further orders under the Munitions of War Acts, 1915 and 1916, under which 124 additional establishments have been declared controlled establishments.

The total number of controlled establishments under the Munitions of War Acts, 1915 and 1916, is now 4,052.

## Builders' Licences.

The Ministry of Munitions have appointed the President of the Royal Institute of British Architects to act in an advisory capacity in the granting of the licences which are now necessary to begin or complete any building, the cost of which exceeds £500, in which the use of constructional steel is involved. The Council of the National Federation of Building Trades have informed the Ministry of Munitions that they fully recognize that the requirements of the State may necessitate the stoppage of certain works, and have requested, as important technical and financial points are often involved, that the President of the Federation be also appointed in a similar capacity. The Ministry of Munitions have agreed to take into consideration all cases of material hardship.

## Orange Ships.

The Board of Trade announce that, with a view to economizing the tonnage employed in the importation of oranges, it has been arranged that on and after 7th August all such imports (except the produce of the British Empire) must be carried in specially licensed ships. In order to give effect to this scheme a proclamation will be issued prohibiting the import of such oranges except under licence. It is explained that, generally speaking, import licences will be granted, not for specific consignments, but for any or all consignments which are brought by vessels specially licensed for the purpose (see *ante*, p. 668).

The following gentlemen have been appointed to act as an Advisory Committee to give effect to the scheme:—

Mr. Benjamin Cohen, K.C. (chairman), Mr. Walter Greenwood, Mr. Harry M. Isaacs, and Mr. A. H. Van Cruisen.

All applications for licences and other correspondence on the subject should be addressed to the Controller, Department of Import Restrictions, 22, Carlisle-place, Westminster, S.W.

# Societies.

## The Belgian Lawyers Relief Fund.

| | £ | s. | d. |
|---|---|---|---|
| Amounts previously acknowledged... ... ... ... | 1,798 | 9 | 11 |
| The Hon. Society of Lincoln's Inn ... ... ... ... | 52 | 10 | 0 |
| The Worshipful Company of Scriveners ... ... ... ... | 52 | 10 | 0 |
| James Hough, Esq., Hon. Secy., Stockport Incorporated Law Society ... ... ... ... ... ... ... | 14 | 19 | 6 |
| E. Newton Fuller, Esq. ... ... ... ... ... ... | 10 | 10 | 0 |
| W. Fred Verrall, Esq. ... ... ... ... ... ... | 5 | 5 | 0 |
| Harry G. Pritchard, Esq. ... ... ... ... ... ... | 1 | 1 | 0 |
| H. M. Bowden, Esq.... ... ... ... ... ... ... | 1 | 1 | 0 |
| Messrs. Edwin Boxall & Kempe ... ... ... ... ... | 1 | 1 | 0 |

# The Murder of Captain Fryatt.

In the House of Commons on Monday, says the *Times*, Sir E. Carson said:—I beg to ask the Prime Minister whether he is able to make any statement to the House as to the intentions of the Government in relation to the murder of Captain Fryatt?

Mr. Asquith:—Yes, sir. I deeply regret to say that it appears to be true that Captain Fryatt has been murdered by the Germans. His Majesty's Government have heard with the utmost indignation of this atrocious crime against the law of nations and the usages of war. Coming as it does contemporaneously with the lawless cruelties to the population of Lille and other occupied districts of France, it shews that the German High Command have under the stress of military defeat renewed their policy of terrorism. It is impossible to guess to what further atrocities they may proceed. His Majesty's Government, therefore, desire to repeat emphatically that they are resolved that such crimes shall not, if they can help it, go unpunished. When the time arrives they are determined to bring to justice the criminals, whoever they may be, and whatever their station. In such cases as this the man who authorizes the system under which such crimes are committed may well be the most guilty of all. The question of what immediate action should be taken is engaging the earnest consideration of the Government.

Sir E. Carson:—May I ask the Prime Minister whether, in considering the matter, he will consult his colleagues as to whether the time has not come when some Act should be passed by this House which will shew at the end of the war that the German people will not be admitted within the comity of nations until these crimes have been expiated?

Mr. Asquith was understood to reply that the Government will bear that suggestion in mind.

In answer to Major Newton, Mr. Asquith said the Government would certainly consider the claims of the widow and children of Captain Fryatt to some recognition at the hands of the nation.

# Hearsay Evidence.

A reader of *International Law Notes* has furnished it with a version in French of the lines on Hearsay Evidence which we printed recently (*ante*, p. 573). They are in the current number of *International Law Notes* (p. 126), and are as follows:—

C'est de ma femme de ménage,
  Un secret des plus importants,
Que je vous dis sans témoignage,
  Car il vient d'un de ses enfants,
Dont la femme a deux sœurs jumelles,
  Dont les maris avec grands soins
A l'aube vident les poubelles
  De Downing Street, ni plus ni moins.
Le flic de garde au ministère,
  Connaît un employé malin,
Qui en sait pas mal sur la guerre,
  Même la date de sa fin.

ALBERT WRIGHT.

## The Employment of King's Counsel.

Mr. Justice Sargant, on Friday, after delivering judgment in a case which was not of any public interest, said :—

I should like to add that, although I received very considerable assistance from the counsel who argued this case, still I cannot help regretting that in a case of extreme difficulty, and a case involving considerable sums, I should not have had the assistance of leading counsel. There is an unfortunate and, I think, growing tendency to deprive courts of first instance of this aid in the case of originating summonses and all other business except motions and witness actions, although the decisions on such summonses often dispose of large sums of money and involve very difficult and complicated questions.

# Obituary.

## Mr. Frank Dodd.

We regret to record that Mr. FRANK DODD died on Monday, at the age of fifty-eight. Mr. Dodd was a son of Mr. John Dodd, of Rockferry, Cheshire. He was called to the Bar by Gray's Inn in 1880, and he joined the Northern Circuit, on which he acquired considerable practice. He had a sound working knowledge of commercial law, and of recent years he appeared in many cases of great importance to merchants.

## Mr. Thomas Bell.

Mr. THOMAS BELL died on the 19th July, aged fifty-three. He was admitted a solicitor in 1887, and practised alone and in his own name at Stockport from then till 1904, when he took Mr. James Hough into partnership. From that time the practice has been continued at Stockport under the name of "Bell & Hough."

**Qui ante diem periit,**
**Sed miles, sed pro patria.**

## Mr. Bernard Champness.

Mr. BERNARD CHAMPNESS, solicitor, of 14, Serjeants'-inn, E.C., was killed in action in France on 27th July. He was the youngest son of Mr. William John Champness, of Acton Hill, and brother and partner of Mr. W. H. Champness, with whom he practised as W. H. Champness & Co. He was born on 1st January, 1889, and was educated at the City of London School, where he carried off many prizes, and afterwards secured the Law Society's Studentship, which he held for three years. He was admitted in 1913. When the war broke out he was suffering from appendicitis, but after an operation rejoined his old Territorial regiment, the Artists Rifles O.T.C., and when he was well enough undertook the foreign service obligation. In due course he was nominated for a commission in the East Lancashire Regiment, but, as a result of administrative changes, before he was gazetted became attached to the Kensingtons, and went out to France with the second battalion. Major Hopkins writes to his parents that he was "always a cheerful and willing worker and most dependable," and that he, the Major, will feel his loss most acutely. He had a peaceful end, having been killed instantaneously. His brother, Mr. W. H. Champness, commands the second battalion City of London Volunteer Regiment, and another brother, Albert, has been for twelve months attached to Corps Headquarters in France with the Royal Engineers.

## Major Stanley Livingstone Jones.

Major STANLEY LIVINGSTONE JONES, K.C., Canadian Infantry, was born at Wolfville, Nova Scotia, on 16th June, 1878, the son of the Rev. Joseph Jones. Educated at Acadia University of Nova Scotia, where he graduated in 1900, he served throughout the South African War in the Royal Canadian Regiment. Returning to Canada, he studied law at Calgary, and was admitted to practise as a member of the firm of Lent, Jones, McKay, & Mann. For many years he was secretary of the Alberta Liberal Association. He was appointed a King's Counsel in 1913, and in the same year he married Lucile Ross, daughter of Brigadier-General W. M. Ross, of the United States Army. Mrs. Jones, who survives him, is a Red Cross officer in France. Major Jones, who went through the Balkan war as a war correspondent, was one of the first half dozen men in Canada to enlist when the present war broke out. He was appointed lieutenant in his regiment on its formation, and became major last December. Wounded in January, 1915, he returned to the front in May, was soon afterwards wounded a second time, and returned to the front again in August. He was invalided home suffering from concussion in April, returned to the trenches in May, was wounded at Ypres on 2nd June, taken prisoner, and died of wounds on 8th June. He was well treated by the Germans, and wounded prisoners of his regiment were allowed to attend the funeral, which was with full military honours.

## Major Hugh Cuff Darke.

Major HUGH CUFF DARKE, R.F.A., who died on 12th July, in his thirty-sixth year, while on active service, was the elder son of Mr. A. J. Darke and Mrs. Darke, of Meriott, Portchester-road, Bournemouth, late of Exmouth. Major Darke was born at Exmouth, and was admitted a solicitor in 1905. He became assistant solicitor to the Corporation of Brighton in the same year, and was afterwards successively solicitor for the county of Sussex, and Deputy Clerk for East Sussex, which latter post he held on the outbreak of the war. He joined the Devon Artillery Volunteers in 1899 as second lieutenant, and afterwards served in the Volunteer Battalion, Royal Sussex Regiment, and the 1st Sussex Battery, Home Counties Brigade, R.F.A. At an early period he volunteered for Imperial Service. Soon after the war began he was promoted major with the command of a battery. He had served in India and Mesopotamia for nearly two years at the time of his death.

## Captain Warren Francis Tree.

Captain WARREN FRANCIS TREE, Worcestershire Regiment, was born in 1888, and educated at Warwick Grammar School. After being admitted a solicitor in 1909, he became a partner with his father, Mr. W. W. A. Tree, of Worcester. He was given a commission in the Worcestershire Regiment soon after the outbreak of the war, obtained his lieutenancy in June, 1915, and went to France with his battalion in July. He was wounded at Festubert in October, 1915, and returned to England, where he was on home service for some months. He rejoined his regiment again last May, and was killed on 22nd July.

## Captain Charles Nettleton Dyer.

Captain CHARLES NETTELTON DYER, who died on active service on 14th July, aged thirty-eight, was the second son of Mr. Frederick Dyer, J.P., of Croydon and South Africa, and was educated at Clifton College and Balliol (1st Mod. Hist. and B.A., 1901; University Trial and College Eights, 1898-1900). He was articled to Mr. Coward, of Hollams, Son & Coward, of Mincing-lane, became a solicitor in 1904, passing the Law Final with honours. He was then made a director of Dyer & Dyer (Limited), and afterwards a partner in the London business. He joined the H.A.C. in 1905 as a gunner in "A" Battery, won the King's Prize twice, obtained his commission in 1910, was promoted lieutenant in 1911, and captain in May, 1914. He had been on foreign service from April, 1915, till the time of his death. He married, in 1914, Maud Hamilton, only daughter of Mr. Frederick Link, J.P., C.C., and leaves one son. Since the outbreak of war he and his two brothers have served—one in France, one in Egypt, and one in German South-West Africa.

## Captain William Stanley Meeke.

Captain WILLIAM STANLEY MEEKE, Middlesex Regiment, killed on 1st July, was born in 1888, being the second son of the late Mr. Joseph Meeke, of Sheffield, and was educated at King's College School, Wimbledon. He was called to the Bar at the Middle Temple, having taken a first class in the final Bar examination in 1912, and joined the North-Eastern Circuit. He obtained a Special Reserve commission in August, 1914, and went to the front in November, being attached to the Munsters. For his work in the attack at Givenchy (Christmas, 1914) he was mentioned in dispatches and awarded the Military Cross. In January, 1915, he was promoted lieutenant, and in April, 1915, captain.

## Captain George Devereux B. Scale.

Captain GEORGE DEVEREUX B. SCALE, Welsh Fusiliers, was killed in France on 21st July, 1916. Captain Scale was practising as a solicitor in Vancouver when the war broke out, and both he and one of his senior partners came over with the first batch of Canadians in the autumn of 1914, Mr. Scale having enlisted as a private. Mr. Scale subsequently obtained a commission in the Welsh Fusiliers, and he had been promoted to captain at the time of his death. He was articled to Mr. C. E. Barry, of the firm of Barry & Harris, solicitors, Bristol, his articles expiring in 1911, and he subsequently went to Canada. Mr. Scale was the son of a well-known solicitor in South Wales, Mr. Robert Scale, of Maesteg.

## Lieutenant Ralph Hosegood.

Lieutenant RALPH HOSEGOOD was killed in France on 23rd July, 1916. Mr. Hosegood enlisted soon after the outbreak of the war as a private in the 12th Gloucesters, and after serving in that capacity for some time was subsequently given a commission in the same regiment. Mr. Hosegood was articled in the office of Messrs. Barry & Harris, solicitors, Bristol, and was in the fifth year of his articles at the time of his death. Mr. Hosegood was the son of a well-known corn merchant in Bristol. His elder brother, Lieutenant Arnold Hosegood, was killed about a year ago in France.

### Second Lieutenant Geoffrey A. St. John Jones.

Second Lieutenant GEOFFREY A. ST. JOHN JONES, Middlesex Regiment, who fell on 14th June, was the eldest son of the late Rev. A. H. Jones, domestic chaplain to the late Lord Exeter, and vicar of St. Martin's, Stamford, and of Mrs. Jones, Compton, near Winchester. He was twenty-seven years of age, and was educated at St. Edmunds, Canterbury. He gained a scholarship at Brasenose College, Oxford, and, on leaving the University, read for the Bar, and was called at Lincoln's Inn. In 1913 he went out to Penang to practise with Messrs. Presgrave & Matthews. He returned to England at the outbreak of war, and obtained a commission in the Welsh Fusiliers, exchanging later into the Special Reserve of Officers, Middlesex Regiment, and being sent to the front in September last.

### Second Lieutenant Percy T. L. Hunter.

Second Lieutenant PERCY T. L. HUNTER, London Regiment, who died on 19th July from wounds received on 1st July, was the elder son of Mr. and Mrs. W. P. Hunter, Bath House, Mall-road, Hammersmith, W. He was educated at St. Paul's School, and was called to the Bar at the Middle Temple in 1914. He enlisted in the London Scottish on the outbreak of war, and in November, 1914, went to the front. He took part in the engagement of Neuve Chapelle as a lance-corporal, was given a commission in his own regiment in June, 1915, took part in the battle of Loos, and served at the front until his death. Second Lieutenant Hunter, who was twenty-three years of age, was a prominent member of the Thames Rowing Club.

## Legal News.

### Appointments.

Mr. E. W. GARRETT is to succeed the late Mr. Hopkins as one of the three magistrates at Bow-street Police Court. Mr. Garrett was appointed a magistrate in 1899, and has been sitting at the Marylebone Court since 1914. He was born in 1850, was educated at Shrewsbury and St. John's College, Cambridge, and was called to the Bar in 1875.

Mr. EDWARD CHARLES PERCY BOYD has been appointed to be a Metropolitan Police Magistrate, to fill the vacancy caused by the death of Mr. Hopkins. Mr. Boyd was called to the Bar by the Inner Temple in 1896, and has practised on the South-Eastern Circuit, at the North London and Middlesex Sessions, and the Central Criminal Court. At the Central Criminal Court he has been counsel to the Treasury.

### General.

At a meeting of the Corporation of London on 27th July it was unanimously resolved to support the principle of the Register of Business Names Bill, and the opinion was expressed that it should be extended to premises and business documents of all firms and individuals trading or carrying on business in the United Kingdom.

The London Appeal Tribunal, sitting at the Law Society's offices on 28th July, disagreed with the Hackney Tribunal, who had held that no domestic hardship was shewn in the case of a man who had a wife and three children, a mother, and a sister dependent on him, and granted the appellant exemption for three months, with leave to appeal again. The chairman said that the military representative had recommended three months' exemption, and he could not understand why the local tribunal had not adopted the recommendation.

The death took place in Birmingham on 26th July of Mr. Luke Jesson Sharp, formerly Official Receiver, aged seventy-five. After starting with a local firm of solicitors, he held an important position in the county court, and obtained wide knowledge of bankruptcy, on which he was an acknowledged authority. When Mr. Joseph Chamberlain, as President of the Board of Trade, drafted his Bankruptcy Bill, Mr. Sharp supplied him with a great deal of information based on his personal experience. Mr. Chamberlain publicly acknowledged the assistance he had received from Mr. Sharp, who was appointed first Official Receiver for Birmingham.

In the House of Commons, on 27th July, Mr. Asquith, replying to questions by Mr. Swift MacNeill and Sir A. Markham, as to depriving the Duke of Cumberland, the Duke of Albany, and Prince Albert of Schleswig-Holstein of their British honours, ranks and dignities, and, where these also exist, rights of succession to the Throne, said: The Cabinet have had this matter under consideration, and we are, as I said some days ago, in full sympathy with the feeling of the House on this subject. His Majesty will be advised to take the necessary steps both as regards titles and orders, and the technical questions involved are being considered by the Lord Chancellor.

In the House of Commons, on Monday, Mr. Asquith, replying to Major Newman, said his attention had been drawn to a recent decision of the Court of Appeal relative to the retention of membership of the Privy Council by naturalized aliens of enemy birth. It was not the intention of the Government before the adjournment of the House to introduce legislation to remove from the Privy Council all members who were not natural-born British subjects, nor to re-enact the repealed part of the Act of Settlement debarring those who were not natural-born British subjects from election to the House. In reply to a question about relieving Sir Edgar Speyer of his baronetcy and removing him from the Privy Council, he referred the hon. member to the published correspondence between himself and Sir Edgar Speyer on the subject.

In the House of Commons, on Monday, Lord R. Cecil, replying to an inquiry by Sir E. Cornwall as to the number of enemy ships which, since the start of the war, have become available for the use of the Allies through seizure, said: So far as is known, the number of enemy vessels seized in British and Allied ports is as follows: In British ports, 144; in French ports, 12; in Russian ports, 30; in Italian ports, 59. Those seized in British and Italian ports are all in employment. His Majesty's Government have no precise information as regards the numbers employed by the French and Russian Governments. A considerable number of enemy vessels have also been captured at sea; seventy-one enemy steamers and three sailing vessels have been seized by the Portuguese Government. These will all be employed as soon as repairs are completed.



## The Property Mart.

**Forthcoming Auction Sales.**

Aug. 11.—Messrs. DENNANT & LAVER, on the premises, at 1, 54, Lee-road, Blackheath: Leasehold Family Residence (see advertisement, back page, this week).

Aug. 15.—Messrs. WALLER & KING, at the Auction Mart, Southampton, at 3: Freehold Residential Property (see advertisement, back page, this week).